

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

James C. Kroger,)	Civil Action No.: 1:11-3152-MGL
)	
Plaintiff,)	
)	
vs.)	
)	
Newberry County Sheriff's Department,)	ORDER AND OPINION
)	
Defendant.)	
_____)	

Plaintiff James C. Kroger ("Plaintiff") filed this civil rights action in South Carolina Court of Common Pleas for Newberry County on September 26, 2011. (ECF No. 1-1.) Defendant Newberry County Sheriff's Department ("Defendant") removed the matter to this court on November 17, 2011, based on this court's federal question jurisdiction, as Plaintiff's complaint states a cause of action pursuant to 42 U.S.C. § 1983. Before the court is Defendant's motion for summary judgment. (ECF No. 19.)

The matter now comes before this Court for review of the Report and Recommendation ("the Report") filed by Magistrate Judge Shiva V. Hodges, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In the Report, the Magistrate Judge recommends that Plaintiff's complaint be voluntarily dismissed with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. The Magistrate Judge further recommends that the Court decline to exercise supplemental jurisdiction over Plaintiff's remaining state-law claims and remand this case to the Court of Common Pleas of Newberry County. No objections have been filed to the Magistrate Judge's Report and Recommendation..

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept,

reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir.1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005) (quoting Fed.R.Civ.P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir.1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir.1984).

After a thorough review of the Report and Recommendation and the record in this case, the court ACCEPTS the Magistrate Judge's Report and Recommendation. Plaintiff's § 1983 claim against Defendant is DISMISSED with prejudice. Plaintiff's remaining state-law claims are REMANDED to the Court of Common Pleas for Newberry County.

IT IS SO ORDERED.

/s/ Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
September 28, 2012.